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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/818,127 03/27/01 BLOSSFELD

M TRW(TE)4704

EXAMINER

MMC2/1004

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NGUYEN, N

ART UNIT

PAPER NUMBER

2832

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/818,127

Applicant(s)
Mike Blossfeld

Examiner
Nhung Nguyen

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 27, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities:

Claim 6 depends on claim 6. For purpose of examination, claim 6 will be treated as dependent on claim 5 and examined as such. However, appropriate correction of dependency is ~~is~~ required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Steiner (GB 2 100 517A).

Steiner discloses a push button switch comprising:

- a depressible member 22 having an unactuated condition and an actuated condition;
- first membrane 32 (fig. 2) connected with said depressible member, said first membrane resisting movement of said depressible member from said unactuated condition to said actuated condition, said first membrane further providing an increasing return force urging said depressible

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member to said unactuated condition as an operator moves said depressible member from said unactuated condition to said condition; and

- a second membrane 15 resisting movement of said depressible member to said actuated condition, said second membrane further providing an increasing return force to said depressible member as the operator moves said depressible member to said actuated condition;

- said first membrane initially acting alone and then acting simultaneously with said second membrane;

- wherein said first and second membranes are configured to have a concave surface facing away from said depressible member in said unactuated condition;

- an electrical switch contact 12 adjacent said second membrane;

- wherein said second membrane is at least partially metal and engages said electrical switch contact to complete a circuit.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of DeVolpi (US 5,912,612).

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Steiner disclose the instant claim invention as discussed above except for a membrane enclosing said first and said second membranes and a membrane has a second end, opposite said first end, sliding along a planar surface.

DeVolpi discloses a device comprising:

- a cover membrane 10 (fig. 9) that enclose the membranes 30 and 32.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cover membrane as taught by DeVolpi with Steiner's switch for the purpose of flexibility to return the switch to the original position when the external force is removed.

6. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Sadamori et al. (US 5,924,555).

Steiner disclose the instant claim invention as discussed above except for a membrane has a second end, opposite said first end, sliding along a planar surface.

Sadamori discloses a panel switch comprising:

- a membrane 1 (fig. 4A) has a second opposite said first end, sliding along a planar surface.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sliding membrane as taught by Sadamori with Steiner's switch for the purpose of making the switch more flexible.

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Conclusion

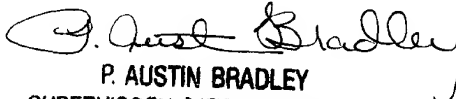
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhung Nguyen whose telephone number is (703)305-0422. In the event that I am not reached, you can contact my supervisor, Mrs. Paula Bradley at (703) 308-2319, or the group receptionist at (703)308-1782.

NN

Nhung Nguyen

Patent Examiner - Art Unit 2832

September 27, 2001


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
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